

REMARKS

The declaration was found to be defective for failure to identify the foreign application on which priority is claimed pursuant to 37 CFR 1.55. It is noted that there are two priority documents in this application, US provisional application 60/509,011 and the subsequently filed PCT application PCT/IB2004/051705, both of which are of record as priority documents in this application as printed on the Filing Receipt. To provide the requested information as to the PCT application, an Application Data Sheet is enclosed. As 37 CFR 1.76(b)(6) states, the Application Data Sheet may be used to provide the foreign priority information of §1.55. The enclosed Application Data Sheet does not change, add to, or delete any priority information or any other information currently of record in this case.

Claims 1-4, and 9-14 were rejected under 35 U.S.C. §102(b) as anticipated by international publication WO03/037176 (Solosko et al.), an application of the assignee of this application. To clarify the present invention in view of this new ground of rejection, Claim 1 has been canceled and Claims 2 and 3 rewritten in independent form. The dependency of several claims previously depending from Claim 1 has been changed to reference either Claim 2 or Claim 3. No amendment has been made which touches the merits of the application.

Rewritten Claim 2 describes an enclosure for a defibrillator electrode which seals the electrode against moisture loss while the electrode remains in electrical communication with a defibrillator, comprising an enclosure formed of flexible material which is adapted to be sealed against moisture loss; an interior connector located on the interior of the enclosure and adapted to detachably connect to a defibrillator electrode; and an exterior connector located on the outside of the enclosure and adapted to detachably connect to a defibrillator, the exterior connector being in

electrical communication with the interior connector, and further comprising a defibrillator electrode having a wireset detachably coupled to the interior connector, wherein the defibrillator electrode is sealed inside of the enclosure. In the embodiment of Claim 2, a defibrillator electrode and its wireset are detachably coupled to an interior connector and are in communication with an exterior connector which is adapted to be detachably connected to a defibrillator. This arrangement means that the entire electrode including its wireset can be tested by the defibrillator for moisture loss while sealed in the enclosure. The exterior connector can be disconnected from the defibrillator and connected to a new sealed electrode if the present one has become desiccated. The enclosure can be opened and the electrode applied directly to a patient for rescue without changing any of the connections. If an emergency medical response person arrives and wants to connect the patient-applied electrodes to his or her ALS defibrillator/monitor, the electrode wireset can be disconnected from the interior connector and connected directly to the ALS defibrillator/monitor for further monitoring of the patient's condition. Another possibility is to disconnect the electrode from the interior connector and connect the electrode directly to the original defibrillator. The enclosure with its connectors can then be disposed of in either instance.

Rewritten Claim 3 is similar and also recites that the exterior electrode is coupled to a defibrillator.

These benefits are not possible with the Solosko et al. arrangement. The Examiner cites the package 33 of Fig. 8 of Solosko et al. as anticipating the present invention. This is not the case, however, as Solosko et al. do not have an interior connector as recited in Claims 2 and 3 (and in canceled Claim 1). The Solosko et al. package 33 has a single separable electrodes consisting of two main sections 23 and 25 which are joined by an electrically conductive strip 31. The

only connector is connector 39 which is outside the package 33. The Examiner is trying to read the electrically conductive strip 31 as a connector, but it is not a connector. this is clear from the paragraph on page 11, lines 24-31 of Solosko et al., where connector 39 is referred to as a connector and conductive strip 31 is not; it is referred to as a conductive strip, not a connector. As used in both Solosko et al. and in the present application, a connector is a plug of some sort that can be repeatedly plugged into something to attach and removed to detach. The conductive strip 31 is part of a "single separable electrode" which, as Solosko et al. make clear, can only be torn to separate the two sections of the electrode into two electrodes. It is clear from the cited paragraph that Solosko et al. do not consider the strip to be a connector. Consequently both the interior connector and its function are missing from Solosko et al. relative to rewritten Claims 2 and 3. Furthermore, it is seen from Fig. 8 of Solosko et al. that their connector 39 is entirely outside of the package 33, with the seam of the package sealed around the electrode wires 35 and 37. This means that leaks can develop in the seam around the wires. By contrast, rewritten Claim 2 says that the defibrillator electrode having a wireset is sealed inside the enclosure, thereby preventing this leakage problem. Accordingly it is respectfully submitted that Solosko et al. cannot anticipate rewritten Claims 2 and 3 and their dependent Claims 4-13.

Previously presented Claim 14 describes a method for packaging a defibrillator electrode comprising providing a sealable flexible enclosure having an interior connector in the inside of the enclosure and an exterior connector on the outside of the enclosure, the interior and exterior connectors being in electrical communication with each other; disposing a defibrillator electrode in the interior of the enclosure, the electrode having an adapter in electrical communication with the interior connector; sealing the enclosure to retard

moisture loss; and connecting the exterior connector to be in electrical communication with a defibrillator. The defibrillator electrode sealed in the interior of the disclosure has an adapter connected to the interior connector; no corresponding element is found Solosko et al. As previously mentioned, there is no interior connector found in Solosko et al. There is only a connector 39 outside the package. There is also no adapter inside the package in Solosko et al. For both of these reasons, it is respectfully submitted that Claim 14 and its dependent Claims 15 and 16 are patentable over Solosko et al.

Claims 5-8, and 15-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Solosko et al. in view of US Pat. 5,462,157 (Freeman et al.). As previously discussed, Freeman et al. have only a single connector 24 or 134, and it is either sealed entirely in the package 100 or in a seam as shown in Fig. 5 of Freeman et al. Like Solosko et al., only a single connector is present and nothing can be found corresponding to both an interior connector and an exterior connector. The versatility described above in the explanation of Claim 2 and the different ways in which the electrode and enclosure package connectors can be connected to different defibrillators, is not possible with Freeman et al., as is the case with Solosko et al. For these reasons the combination of Solosko et al. and Freeman et al. cannot render rewritten Claims 2 and 3 or previously presented Claim 14 and their dependent claims unpatentable.

It is respectfully submitted that the present amendment, canceling Claim 1 and rewriting Claims 2 and 3 in independent form, does not touch the merits of the case. It was the new grounds of rejection that gave rise to this clarification, which, it is respectfully submitted, puts the claims in better form for consideration on appeal.

In view of the foregoing amendment and remarks it is respectfully submitted that Claims 2-16 are not anticipated by

Solosko et al. and are patentable over any combination of Freeman et al. and Solosko et al. Accordingly it is respectfully requested that the rejection of Claims 2-4 and 9-14 under 35 U.S.C. §102(b) and of Claims 5-8 and 15-16 under 35 U.S.C. §103(a) be withdrawn.

In light of the foregoing amendment and remarks, it is respectfully submitted that this application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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September 18, 2007

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	US030295US
		Application Number	
Title of Invention	Method and Apparatus for Packaging an Electrode		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

## Secrecy Order 37 CFR 5.2

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

## Applicant Information:

Applicant 1					<a href="#">Remove</a>	
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name		Suffix	
	Eric		Jonsen			
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service						
City	Seattle	State/Province	WA	Country of Residence <sup>i</sup>	US	
Citizenship under 37 CFR 1.41(b) <sup>i</sup>		US				
Mailing Address of Applicant:						
Address 1		Philips Intellectual Property & Standards				
Address 2		P. O. Box 3003				
City	Bothell	State/Province	WA			
Postal Code	98041-3003	Country <sup>i</sup>	US			
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button.						

## Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.			
Customer Number	28159		
Email Address		<a href="#">Add Email</a>	<a href="#">Remove Email</a>

## Application Information:

Title of the Invention	Method and Apparatus for Packaging an Electrode		
Attorney Docket Number	US030295US	Small Entity Status Claimed <input type="checkbox"/>	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	2	Suggested Figure for Publication (if any)	5

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	US030295US
		Application Number	
Title of Invention	Method and Apparatus for Packaging an Electrode		

**Publication Information:**
☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.
**Representative Information:**

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)
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Customer Number	28159
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**Domestic Priority Information:**

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Abandoned	<a href="#">Remove</a>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
		60/509011	2003-10-06

Additional Domestic Priority Data may be generated within this form by selecting the **Add** button.

[Add](#)**Foreign Priority Information:**

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			<a href="#">Remove</a>
Application Number	Country <sup>i</sup>	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
PCT/IB04/51705	WO	2004-09-07	<input checked="" type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

[Add](#)**Assignee Information:**

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number		US030295US	
		Application Number			
Title of Invention		Method and Apparatus for Packaging an Electrode			
Organization Name		KONINKLIJKE PHILIPS ELECTRONICS N.V.			
<b>Mailing Address Information:</b>					
Address 1		HIGH TECH CAMPUS 44			
Address 2					
City		EINDHOVEN		State/Province	
Country i		NL		Postal Code	
Phone Number				Fax Number	
Email Address					
Additional Assignee Data may be generated within this form by selecting the <b>Add</b> button. <span style="border: 1px solid black; padding: 2px 5px;">Add</span>					

**Signature:**

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
<b>Signature</b>		/W. Brinton Yorks, Jr./		<b>Date (YYYY-MM-DD)</b>	
2007-09-18					
<b>First Name</b>		W. Brinton		<b>Last Name</b>	
Yorks, Jr.		<b>Registration Number</b>		28923	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/574,342	03/30/2006	3762	900	US030295US	2	16	2

CONFIRMATION NO. 8861

24737

PHILIPS INTELLECTUAL PROPERTY &amp; STANDARDS

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BRIARCLIFF MANOR, NY 10510

FILING RECEIPT



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OC000000020651832\*

OCT 16 2006

J. PEISTRUP

Date Mailed: 10/03/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Eric Jonsen, Seattle, WA;

**Assignment For Published Patent Application**

Koninklijke Philips Electronics N.V.

**Power of Attorney:** The patent practitioners associated with Customer Number 24737.**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/IB04/51705 09/07/2004  
 which claims benefit of 60/509,011 10/06/2003

**Foreign Applications**

If Required, Foreign Filing License Granted: 09/29/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/574,342**

Projected Publication Date: 01/11/2007

Non-Publication Request: No

Early Publication Request: No

**Title**

Method and apparatus for packaging an electrode

**Preliminary Class**

607

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,342	Eric Jonsen	US030295US

INTERNATIONAL APPLICATION NO.
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PCT/IB04/51705

I.A. FILING DATE	PRIORITY DATE
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09/07/2004

10/06/2003

24737

PHILIPS INTELLECTUAL PROPERTY &amp; STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

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OCT 16 2006

J. PEISTRUP

CONFIRMATION NO. 8861

371 ACCEPTANCE LETTER



\*OC000000020651833\*

Date Mailed: 10/03/2006

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

03/30/200604/06/2006

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 03/30/2006
- Copy of the International Search Report filed on 03/30/2006
- Preliminary Amendments filed on 03/30/2006
- Information Disclosure Statements filed on 03/30/2006
- Oath or Declaration filed on 03/30/2006
- U.S. Basic National Fees filed on 03/30/2006
- Assignment filed on 03/30/2006
- Assignee Statement for PGPUB filed on 03/30/2006
- Priority Documents filed on 03/30/2006
- Power of Attorney filed on 03/30/2006
- Specification filed on 03/30/2006

06 OCT -6 AM 10:30

- Claims filed on 03/30/2006
- Abstracts filed on 03/30/2006
- Drawings filed on 03/30/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)